

So Ordered.

Signed this 3 day of June, 2024.



A handwritten signature in black ink, appearing to read "R. Littlefield, Jr.", written over a horizontal line.

Robert E. Littlefield, Jr.
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

In re:

PRIME CAPITAL VENTURES, LLC,

Case No. 24-10531
Chapter 11

Debtor.

ORDER SETTING HEARING PURSUANT TO 11 U.S.C. § 105

On May 14, 2024, Paul A. Levine, Esq., the appointed Receiver¹ of Prime Capital Ventures, LLC (“Prime”) filed the above-referenced bankruptcy. (ECF No. 1). Stephen A. Donato, Esq. serves as bankruptcy counsel for Prime in this matter.

On May 31, 2024, Pieter H.B. Van Tol, III, Esq., litigation counsel for Prime, filed a motion to dismiss (the “Motion”) the present matter alleging that Levine did not have the authority to enter Prime into bankruptcy. (ECF Nos. 36–37).

Later that same day, Christian H. Dribusch, Esq., the Chapter 7 Trustee in the bankruptcy of Kris Daniel Roglieri², submitted a notification of withdrawal (the “Withdrawal”) in relation to the Motion. (ECF No. 40). In the Withdrawal, Dribusch argues that, since Roglieri’s estate

¹ See *Compass-Charlotte 1031, LLC et al. v. Prime Capital Ventures, LLC, et al.*, Case No. 24-cv-00055, at Docket No. 56 (N.D.N.Y. Jan. 24, 2024).

² Kris Daniel Roglieri is the sole member and shareholder of Prime. See Case No. 24-10157, at Docket No. 80.

contains 100% membership of Prime, Van Tol must receive Dribusch's approval before a motion to dismiss can be made. *Id.* On June 3, 2024, Van Tol filed a letter in response to the Withdrawal. (ECF No. 41).

A hearing regarding the Motion and Withdrawal shall be held at **10:30 a.m. on June 12, 2024**. The parties may appear either **telephonically via call-in number: 518-217-2288, Conference ID: 939500229#**, or **in-person at the U.S. Bankruptcy Court, James T. Foley Courthouse, Room 306, Albany, New York**.

The following parties are expected to appear and other interested parties may attend:

Stephen A. Donato, Esq.
Bond, Schoeneck & King, PLLC
Bankruptcy Counsel for Prime Capital Ventures, LLC
One Lincoln Center
Syracuse, New York 13202

Paul A. Levine, Esq.
Lemery Greisler LLC
Receiver for Prime Capital Ventures, LLC
677 Broadway, 8th Floor
Albany, New York 12207

Pieter H.B. Van Tol, III, Esq.
Hogan Lovells U.S. LLP
Litigation Counsel for Prime Capital Ventures, LLC
390 Madison Avenue
New York, New York 10017

Christian H. Dribusch, Esq.
Dribusch Law Firm
Chapter 7 Trustee – Estate of Kris Daniel Roglieri
187 Wolf Road, Suite 300-020
Albany, New York 12205

Lisa M. Penpraze, Esq.
Office of the United States Trustee
11A Clinton Avenue, Room 620
Albany, New York 12207

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